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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re H.G., Person Coming Under the
Juvenile Court Law.

SAN DIEGO COUNTY HEALTH AND
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

CHRISTINA R.,

Defendant and Appellant.

D071632

(Super. Ct. No. SJ13280)

APPEAL from an order of the Superior Court of San Diego County, Kenneth J.
Medel, Judge. Affirmed.

William Hook, under appointment by the Court of Appeal, for Defendant and
Appellant.

Thomas E. Montgomery, County Counsel, John E. Philips, Chief County Counsel
and Eliza Molk, Deputy County Counsel, for Plaintiff and Respondent.

Christina R. (Mother) appeals from an order of the juvenile court on a juvenile dependency petition filed by the San Diego County Health and Human Services Agency (the Agency) on behalf of her daughter, H.G. (born 2011). She contends the juvenile court erred in having her share H.G.'s educational rights with the paternal grandmother because she and the grandmother did not get along. We reject her assertion and affirm the order.

FACTUAL AND PROCEDURAL BACKGROUND

Mother and Ty G. (Father) are H.G.'s parents. Father is currently married to J. (Stepmother). In May 2016, Father and Stepmother were involved with child protective services in Shasta County based on Stepmother's allegation that Father had hurt her and H.G. H.G. was released to Mother, who agreed to cooperate with a safety plan created by Shasta County Child Protective Services. Mother later obtained full custody of H.G. In June 2016, Shasta County received a second referral alleging that Father had sexually abused H.G.

In July 2016, Father went to Mother's home and took H.G. out of Mother's vehicle. The couple engaged in a physical altercation and struggled over H.G. Both parents and Stepmother sustained visible injuries and the parents were charged with domestic violence. After this incident, the Agency filed the instant petition alleging H.G. came within the juvenile court's jurisdiction for a failure to protect and sexual abuse. (Welf. & Inst. Code,¹ § 300, subds. (b)(1) & (d).) At the child's detention hearing, the court found

¹ Undesignated statutory references are to the Welfare and Institutions Code.

the Agency made a prima facie showing H.G. was described by section 300 and detained her.

In November 2016, the juvenile court placed H.G. with the paternal grandmother. The social worker later reported that H.G. had retracted her allegations of sexual abuse. At the December 2016 disposition hearing, the court declared H.G. a dependent, placed her with the paternal grandmother, ordered the parents to participate in reunification services and ordered Mother and the paternal grandmother to share H.G.'s educational rights.

In January 2017, the court held a special hearing regarding the Indian Child Welfare Act. At the hearing, Mother again requested she not share educational rights with the paternal grandmother. The juvenile court denied the request and affirmed its previous order. Mother timely appealed.

DISCUSSION

Mother contends the juvenile court abused its discretion when it ordered that she share educational rights with the paternal grandmother because the contentious relationship between them would likely interfere with their ability to exercise appropriate educational services. She notes that H.G. has no special needs, there was no indication H.G.'s educational needs were not being met, that she has been successfully participating in services and no service provider recommended limiting her educational rights. As we shall explain, the juvenile court's order that Mother share H.G.'s educational rights with H.G.'s paternal grandmother did not fall outside the bounds of reason.

Parents have a constitutionally protected right to control their children's education. (*Troxel v. Granville* (2000) 530 U.S. 57, 65; *In re R.W.* (2009) 172 Cal.App.4th 1268, 1276 (*R.W.*)). Nonetheless, juvenile courts are authorized to issue "all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of [a dependent] child," and to "direct any reasonable orders to the parents or guardians of [that] child." (§ 362, subds. (a) & (d).) The juvenile court can limit a parent's ability to make educational decisions on the child's behalf after declaring a child a dependent where necessary to protect the child so long as any such limitations do not exceed those necessary to protect the child. (§ 361, subd. (a)(1); see Cal. Rules of Court, rule 5.650(a).) If the court so limits the right of the parent, it must appoint another responsible adult to make educational decisions for the child and must appoint a relative, or other adult known to the child, if one is willing to serve as the educational representative before appointing a surrogate that is not known to the child. (§ 361, subds. (a)(1) & (a)(3).)

We review the juvenile court's decision to suspend a parent's education decision making rights under the abuse of discretion standard, keeping in mind the focus of dependency proceedings is on the child rather than the parent. (*R.W.*, *supra*, 172 Cal.App.4th at p. 1277.) " ' "The appropriate test for abuse of discretion is whether the trial court exceeded the bounds of reason." ' " (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.) Under this standard, a reviewing court will not disturb a ruling unless it finds the trial court " ' "exceeded the limits of legal discretion by making an arbitrary, capricious, or patently absurd determination." ' " (*Id.* at p. 318.) " ' "When two or more

inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court." ' ' ' (*Id.* at p. 319.)

Here, evidence in the social worker's reports and presented during the contested disposition hearing showed that Mother had residences in both Mexico and San Diego. The social worker did not believe Mother lived in San Diego. H.G. lives with the paternal grandmother in Moreno Valley, California and attends school there. At the hearing, the juvenile court ordered that Mother and paternal grandmother share educational rights, stating:

"And I only do that because of the logistics of the situation. If there is some immediate need and we can't really find you because you are in Rosarito hanging out on a Friday and Saturday . . . and no one can reach you, I want the paternal grandmother to be there to be able to make those decisions, so we will share those."

After the court ruled, minor's counsel asked that a meeting be set between the social worker, Mother and paternal grandmother as soon as possible to talk about educational rights and how to have effective communication between the parties. After the trial court agreed, the Agency indicated it could arrange such a meeting.

At a subsequent hearing, the court affirmed its prior educational rights order, stating:

"And I don't see any harm in them being able to share that—those responsibilities, especially if they're not getting along, because then if, for some reason, the mom is not available and a decision needs to be made, then the paternal grandmother will be, et cetera."

Thereafter, the court asked the social worker to remind the paternal grandmother that H.G.'s placement with her is temporary, that the goal is to reunite H.G. with Mother

and she needs to keep Mother "advised of any and all educational issues that are going on so that the mom can know that."

While Mother is correct that there is no evidence in the record showing she has been unavailable to make educational decisions, this fact does not address the juvenile court's concern that an educational decision might need to be made, such as the signing of a permission slip, when Mother is in Mexico and unavailable. Critically, the juvenile court simply allowed the paternal grandmother to make educational decisions, it did not divest Mother of her educational rights.

Mother notes that she and the paternal grandmother have a contentious relationship and the juvenile court's order gave the paternal grandmother the right to unilaterally make decisions concerning H.G.'s education. This argument ignores the juvenile court's admonition to the social worker to remind the paternal grandmother that she needs to keep Mother "advised of any and all educational issues that are going on so that the mom can know that." Should the paternal grandmother disregard this admonition the juvenile court can revisit the issue by modifying its order or divesting the paternal grandmother of her shared right to make educational decisions for H.G.

While reasonable minds could differ on the need for the order, on this record, we conclude the juvenile court did not abuse its discretion in ordering the paternal grandmother to be a co-holder with Mother of H.G.'s educational rights.

DISPOSITION

The juvenile court's education order is affirmed.

NARES, J.

WE CONCUR:

McCONNELL, P. J.

HALLER, J.